

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMPHONE LOUPRASONG,

Plaintiff,

v.

SAN JOAQUIN COUNTY JAIL
RECREATIONAL,

Defendant.

Case No. 2:24-cv-3416-JDP (P)

ORDER

Plaintiff has filed a civil rights action along with an application to proceed *in forma pauperis*. Plaintiff's *in forma pauperis* application shows an available balance of \$1,496, which appears to be more than enough to cover the \$405 filing fee. Instead of recommending that plaintiff's application be denied, on December 19, 2024, I ordered plaintiff to explain why he cannot both pay the filing fee and still afford his necessities. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) ("An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life."); ECF No. 4.

Plaintiff did not file a timely response. Accordingly, on January 24, 2025, I ordered plaintiff (1) to show cause why this action should not be dismissed based on his failure to comply with court orders, and (2) to file a response to my December 19, 2024 order. ECF No. 5. In

1 response, plaintiff filed a motion to appoint counsel, but nowhere in that motion did plaintiff
2 respond to the court's December 19 or January 24 orders. ECF No. 6. I granted plaintiff a final
3 opportunity to explain why he cannot both pay the filing fee and still afford his necessities. I also
4 warned him, that if he failed again to comply with this directive, I would recommend that this
5 action be dismissed for failure to comply with court orders. *Id.*

6 Plaintiff filed a response to the January 24 order. ECF No. 8. Therein, he states that he
7 wants to "cancel his application to proceed in forma pauperis," in part because he will be
8 sentenced to a term of incarceration on April 7, 2025. *Id.* In light of plaintiff's representation, I
9 will direct the Clerk of Court to administratively withdraw plaintiff's application to proceed *in*
10 *forma pauperis* at ECF No. 2. If plaintiff wishes to proceed with this matter, he must, within
11 twenty-one days submit the full filing fee.¹

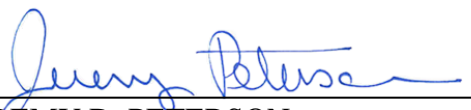
12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The Clerk of Court is directed to administratively withdraw plaintiff's application to
14 proceed *in forma pauperis*, ECF No. 2, in light of his request to withdraw the motion in ECF No.
15 8.

16 2. Plaintiff shall, if he wishes to proceed with this action, submit the full filing fee within
17 twenty-one days. Should plaintiff fail to do so, I will recommend that this case be dismissed.

18 IT IS SO ORDERED.

19 Dated: May 5, 2025

20 
21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
23
24
25

26 _____
27 ¹ Plaintiff may pay the filing fee by submitting either a cashier's check or money order
28 made payable to the U.S. District Court, Office of Clerk, 501 I Street #4-200, Sacramento, CA
95814. The payment shall identify the case name and number. The filing fee at the time plaintiff
opened this case was \$350.00 plus a \$52.00 administrative fee.